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 14 Attorneys for Plaintiffs



12/29/2008

11 UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 DAVID P. ANDERSON, an individual;
 15 KELLI FOY-ANDERSON, an individual;

16 Plaintiffs,

17 vs.

18 AMERICAN HOME MORTGAGE
 19 ACCEPTANCE, INC., a Maryland
 20 Corporation; AMERICAN HOME
 21 MORTGAGE SERVICING, INC., a
 22 Delaware Corporation; MORTGAGE
 23 ELECTRONIC REGISTRATION
 24 SYSTEMS, INC., a Delaware Corporation;
 25 DEUTSCHE BANK NATIONAL TRUST
 26 CO.; FIDELITY NATIONAL
 27 FORECLOSURES AND BANKRUPTCY
 28 SOLUTIONS, a Minnesota Corporation;
 T.D. SERVICE CO.; JOHN and JANE
 DOES 1 through 10,

Defendants.

Case No. 5:08-CV-05004-JW

STIPULATION ENLARGING
 DEFENDANTS' TIME TO RESPOND
 TO PLAINTIFFS' COMPLAINT

[Civil L.R. 6-1(a)]

COMES NOW, Plaintiffs, DAVID P. ANDERSON and KELLI FOY-ANDERSON (collectively "Plaintiffs"), by and through their attorneys of record, Bohner, Rosenthal & Dusenbury, and Defendants, AMERICAN HOME MORTGAGE SERVICING, INC. ("AHMSI"), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), and DEUTSCHE BANK NATIONAL TRUST CO. ("DBNTC") (collectively "Defendants"), by and through their attorneys of record, Wright, Finlay & Zak, LLP, who stipulate as follows:

1. WHEREAS, on November 3, 2008, Plaintiffs filed a complaint ("Complaint") in the United States District Court, Northern District of California, Case No. 5:08-CV-05004-JW, styled: *Anderson v. American Home Mortgage Acceptance, Inc., et al.* ("Action"), naming AHMSI, MERS and DBNTC, among others, as Defendants;

2. WHEREAS, Defendant AHMSI's response to the Complaint must be served on or before December 24, 2008;¹

3. WHEREAS, Defendant MERS' response to the Complaint must be served on or before December 25, 2008;²

4. WHEREAS, Defendant DBNTC's response to the Complaint must be served on or before January 1, 2009;³

5. WHEREAS, Plaintiffs and Defendants each desire to extend Defendants' time to respond to Plaintiffs' Complaint until January 5, 2009;

6. WHEREAS, this stipulation will not alter the date of any event or any deadline already fixed by an Order of the Court;

7. WHEREAS, this stipulation is brought in accordance with Civil L.R. 6-1(a) and does not require an Order of the Court;

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¹ Fed. Rules Civ. Proc., Rule 12(a)(1)(A)(i).

² *Id.*

³ *Id.*

1 NOW THEREFORE, it is stipulated by and between Plaintiffs and Defendants as
2 follows:

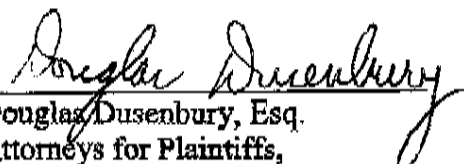
3 1. American Home Mortgage Servicing, Inc.'s; Mortgage Electronic
4 Registration Systems, Inc.'s; and Deutsche Bank National Trust Co.'s time to respond to
5 Plaintiffs' Complaint is extended and enlarged to January 5, 2009.

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7 **IT IS SO STIPULATED.**

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9 BOHEN, ROSENTHAL & DUSENBURY

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11 Dated: December 24, 2008

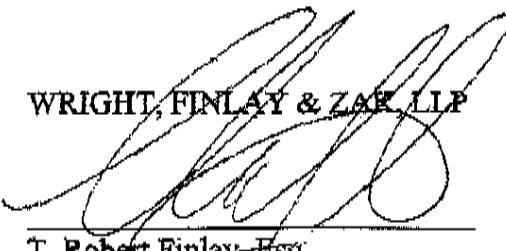
By:


Douglas Dusenbury, Esq.
Attorneys for Plaintiffs,
DAVID P. ANDERSON and
KELLI FOY-ANDERSON

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13
14
15
16 WRIGHT, FINLAY & ZAK, LLP

17
18 Dated: December 23, 2008

By:


T. Robert Finlay, Esq.
Nicholas G. Hood, Esq.
Attorneys for Defendants,
AMERICAN HOME MORTGAGE
SERVICING, INC.; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; and DEUTSCHE BANK
NATIONAL TRUST CO.

PROOF OF SERVICE

I, Cielo Tucay, declare as follows:

I am employed in the County of Orange, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 4665 MacArthur Court, Suite 280, Newport Beach, California 92660. I am readily familiar with the practices of Wright, Finlay & Zak, LLP, for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited with the United States Postal Service the same day in the ordinary course of business.

On December 24, 2008, I served the within **STIPULATION ENLARGING DEFENDANTS' TIME TO RESPOND TO PLAINTIFFS' COMPLAINT** on all interested parties in this action as follows:

☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelope(s) addressed as follows:

SEE SERVICE LIST

- ☒ BY MAIL SERVICE) I placed such envelope(s) for collection to be mailed on this date following ordinary business practices, via Certified Mail, Return Receipt Requested.
- ☐ (BY PERSONAL SERVICE) I caused to be delivered such envelope by hand delivered to the office of the addressee.
- ☐ By ELECTRONIC MAIL: On December 5, 2008, from Newport Beach, California, I caused each such document to be transmitted electronically to the parties at the e-mail address indicated above. To the best my knowledge, the transmission was reported as complete, and no error was reported that the electronic transmission was not completed.
- ☐ (BY FACSIMILE) The facsimile machine I used, with telephone no. (949) 477-9200, complied with California Rules of Court, Rule 2003, and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original Proof of Service.
- ☐ (BY FEDERAL EXPRESS - NEXT DAY DELIVERY) I placed true and correct copies of thereof enclosed in a package designated by Federal Express with the delivery fees provided for.
- ☒ (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 24, 2008, at Newport Beach, California.

Cielo Tucay
Cielo Tucay

SERVICE LIST

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Defendants, American Home Mortgage Acceptance Inc